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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

AMERICAN INDUSTRIES, INC., an
Oregon corporation,

Plaintiff,

v.

FOG CUTTER CAPITAL GROUP, INC.,
a Maryland corporation; FOG CAP
DEVELOPMENT LLC, an Oregon limited
liability company, FOG CAP
ACCEPTANCE INC., a Delaware
corporation; ANDREW A.
WIEDERHORN, a California resident,

Defendants.

No. 3:12-cv-00522-HU

STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1), plaintiff and defendants hereby stipulate that all of the parties' claims and counterclaims against each other are dismissed with prejudice and without costs or attorneys' fees to any party. The parties additionally agree that in the event of an uncured Default as defined in their Settlement Agreement of

October 26, 2012, this case may be re-opened and the Court will have jurisdiction over this matter and the parties for the sole purpose of entry of the Stipulated Judgment attached hereto as Exhibit A.

DATED: November 6, 2012

PERKINS COIE LLP

s/ Cody M. Weston

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